



documents referenced above moots Dana-Farber's motion with respect to those documents, Dana-Farber reserves its objections to the timing and scope of Merck's subpoenas. Merck reserves its right to file an opposition to the Motion to Modify and agrees that if Dana-Farber wishes to file a reply brief, it may do so within seven (7) days of the filing of Merck's opposition.

Merck and Dana-Farber have further agreed that, on or after April 25, 2016, if Merck believes that further production of documents from Dana-Farber is needed and Dana-Farber objects to such further production, Merck may renew its motion for an expedited hearing. Merck will also reasonably cooperate with Dana-Farber to have such a motion for expedited hearing and Dana-Farber's motion to modify heard by Judge Wolf together with Dana-Farber's motion to compel production from the defendants in *Dana-Farber Cancer Institute, Inc. v. Ono Pharmaceutical Co., Ltd. et al.*, No. 15-13443-MLW (D. Mass.) (MLW).

WHEREFORE, Merck hereby requests that this Court permit Merck to withdraw without prejudice its Motion for an Expedited Hearing.

DATED: March 25, 2016

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2016 a true and correct copy of the foregoing document was served on counsel of record via the Court's CM/ECF.

/s/ Jack W. Pirozzolo  
Jack W. Pirozzolo